

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>ALVIN GAMAR STANLEY,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Civil Action</b>
	:	<b>No. 5:22-cv-413 (CAR) (CHW)</b>
<b>v.</b>	:	
	:	
<b>Commissioner TIMOTHY WARD, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

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**ORDER ON RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Currently before the Court is the Order and Recommendation of the United States Magistrate Judge [Doc. 25] denying, in relevant part, Plaintiff's motion to appoint counsel and recommending that (1) Plaintiff's claims against Defendant Siska for failure to provide appropriate medical care proceed forward for further factual development; (2) Plaintiff's remaining claims be denied without prejudice; and (3) Plaintiff's motions for preliminary injunctive relief be denied. Plaintiff has filed an Objection to the Order and Recommendation objecting to the denial of his request for counsel and his motions for preliminary injunctive relief. In his Objection, Plaintiff essentially restates arguments that have been thoroughly and completely addressed in the Recommendation.

As explained in the Order and Recommendation, "[a]ppointment of counsel in a civil case is not a constitutional right" and "is justified only by exceptional

circumstances.”<sup>1</sup> The Court agrees with the Magistrate Judge’s findings that appointment of counsel is not merited at this time because Plaintiff has set forth the essential merits of his claims, and the applicable legal doctrines are readily apparent. The Court also agrees with the Magistrate Judge’s recommendation that his motions for preliminary injunctive relief be denied because Plaintiff has not set forth sufficiently developed facts to conclude that he will ultimately prevail on the merits of his claim, and any claim for injunctive relief can be addressed as this case proceeds.

This Court has made a *de novo* determination of the portions of the Order and Recommendation to which Plaintiff objects. Having done so, the Court finds the Objection to be without merit. Accordingly, the Magistrate Judge’s Order and Recommendation [Doc. 25] is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT**. Plaintiff’s claims against Defendant Siska for failure to provide appropriate medical care may proceed for further factual development, and his remaining claims are **DISMISSED without prejudice**. Plaintiff’s Motion to Appoint Counsel [23] and his Motions for Preliminary Injunctive Relief [Docs. 19, 22] are **DENIED**.

**SO ORDERED**, this 4th day of January, 2024.

S/ C. Ashley Royal  
C. ASHLEY ROYAL, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1986)